

## **ARTICLE 44**

### **CONFLICT BETWEEN TOWN AGENCIES, ASSIGNMENT OF COUNSEL**

#### **Section 1           Applicability**

Whenever one Town agency shall determine it to be in the Town's interest for such agency to be a party to any legal proceeding involving another Town agency, it shall, before making any such decision final, notify the Town Administrator of its intention to do so, provided, however, that this by-law shall not apply with respect to the institution of any legal proceeding by one Town agency involving another Town agency if such agency is authorized to bring such proceeding in carrying out its rights, duties, and responsibilities under the General Laws of the Commonwealth of Massachusetts.

#### **Section 2           Procedure**

Whenever the Town Administrator shall be notified by one Town agency of its intention to be a party to any legal proceeding involving another Town agency, said Town Administrator shall forthwith call a special meeting of the Town agencies involved and the Board of Selectmen. Unless a shorter time is made necessary because of time requirements imposed by the nature of the legal proceeding under consideration, such conference shall be held within ten days following the date of receipt of such notification by the Town Administrator.

#### **Section 3           Mediation**

It shall be the duty of the Board of Selectmen at any such joint meeting to act as mediators and as conciliators in an effort to resolve the differences between the parties involved, or if a resolution of the differences is not possible, to reduce the areas of difference to the smallest possible number in order to facilitate the disposition of the legal issues involved.

#### **Section 4           Expenditure of Funds**

No authorization for the expenditure of Town funds for legal counsel shall be valid unless a conference between the parties involved and the Board of Selectmen as provided in this by-law has been held.